

DOCKETED

OF



0000030081

BEFORE THE ARIZONA CORPORATION COMMISSION

JAN 11 2001

2001 JAN 11 A 11:34

WILLIAM A. MUNDELL
CHAIRMANJIM IRVIN
COMMISSIONERMARC SPITZER
COMMISSIONER

DOCKETED BY	JM
-------------	----

AZ CORP COMMISSION
DOCUMENT CONTROL

25H

IN THE MATTER OF THE APPLICATION OF
PDM ENERGY, L.L.C. FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE COMPETITIVE RETAIL ELECTRIC
SERVICES AS AN ELECTRIC SERVICE
PROVIDER PURSUANT TO A.A.C. R14-2-1601
ET SEQ.

DOCKET NO. E-03869A-00-0268

PROCEDURAL ORDER**BY THE COMMISSION:**

On April 21, 2000, PDM Energy, L.L.C. ("PDM" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N" or "Certificate") to provide retail electric services as an Electric Service Provider ("ESP") in the State of Arizona.

On July 25, 2000 Commission's Utilities Division Staff ("Staff") filed a letter indicating that PDM's application was incomplete and requested that PDM provide additional information to process the application.

On August 24, 2000, PDM filed a supplement to its application. On September 14, 2000 and November 16, 2000, PDM again supplied Staff with additional information to supplement its application.

On January 3, 2001, Staff filed its Staff Report in this matter.

The record shows that the Applicant has not complied with the notice requirements of A.A.C. R14-2-1603(D).

According to A.A.C. R14-2-212, the time frame for processing this application shall expire on February 21, 2001. The time frame shall be extended until May 31, 2001 to allow processing of the application.

Pursuant to A.A.C. R14-3-109, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

1 IT IS THEREFORE ORDERED that the time frame for processing this application shall be
2 extended to May 31, 2001.

3 IT IS FURTHER ORDERED that a hearing on the above-captioned matter shall commence
4 on **March 12, 2001 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices,
5 1200 West Washington Street, Phoenix, Arizona 85007.

6 IT IS FURTHER ORDERED that the Affected Utilities are hereby noticed that if the
7 application of PDM for a CC&N to provide competitive electric services is granted, the CC&Ns of
8 the Affected Utilities will be rescinded, altered, or amended pursuant to A.R.S. § 40-252.¹

9 IT IS FURTHER ORDERED that the Affected Utilities are hereby joined as parties in this
10 matter with the opportunity to respond to PDM's application.

11 IT IS FURTHER ORDERED that direct testimony and associated exhibits, if any, to be
12 presented at the proceeding on behalf of all parties shall be filed on or before March 2, 2001, by
13 **12:00 noon.**

14 IT IS FURTHER ORDERED that PDM shall file information detailing the fair value of its
15 Arizona property on or before March 2, 2001, by **12:00 noon.**

16 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
17 except that all motions to intervene must be filed on or before March 2, 2001, by **12:00 noon.**

18 IT IS FURTHER ORDERED that any objections to motions to intervention shall be filed on
19 or before March 9, 2001, by **12 noon.**

20 IT IS FURTHER ORDERED that PDM shall provide public notice of the hearing in this
21 matter, in the following form and style, with the heading in no less than 24 point bold type and the
22 body in no less than 10 point regular type:

23
24 **PUBLIC NOTICE OF HEARING ON APPLICATION**
25 **FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY**
26 **BY PDM ENERGY, L.L.C.**

27 PDM Energy, L.L.C. ("Company") has filed with the Arizona Corporation
Commission ("Commission") an Application for authority to operate as a retail electric

28 ¹ Some of the CC&Ns of the Affected Utilities have already been modified pursuant to Commission decisions.

1 service provider in Arizona. If the Application is granted the Company would be
2 permitted to provide competitive electric services at retail.

3 The Application is available for inspection during regular business hours at the
4 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
5 Arizona, and at the Company's offices, [insert company's address].

6 The Commission will hold a hearing on this matter on March 12, 2001 at 10:00
7 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West
8 Washington Street, Phoenix, Arizona 85007.

9 As a property owner or customer you may have the right to intervene in the
10 proceeding. If you do not want to intervene, you may appear at the hearing and make a
11 statement on your own behalf. Intervention shall be permitted to any person entitled by
12 law to intervene and having a direct and substantial interest in the matter. Persons
13 desiring to intervene must file a written notice to intervene with the Commission, which
14 motion should be sent to the Company or its counsel and to all parties of record, and
15 which, at the minimum, shall contain the following:

- 16 1. The name, address, and telephone number of the proposed intervenor and of any
17 party upon whom service of documents is to be made if different than the
18 intervenor.
- 19 2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a
20 customer of the Company, a shareholder of the Company, etc.)
- 21 3. A statement certifying that a copy of the motion to intervene has been mailed to
22 the Company or its counsel and to all parties of record in the case.

23 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
24 except that all motions to intervene must be filed on or before March 2, 2001 by 12:00
25 noon. The granting of intervention, among other things, entitles a party to present sworn
26 evidence at hearing and to cross-examine other witnesses. Failure to intervene will not
27 preclude any customer from appearing at the hearing and making a statement on such
28 customer's own behalf. Public comment will be taken prior to the commencement of the
hearing on March 12, 2001 at 10:00 a.m. However, you will not receive any further
notice of the proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to
its public meetings. Persons with a disability may request a reasonable accommodation
such as a sign language interpreter, as well as request this document in an alternative
format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to
allow time to arrange the accommodation.

IT IS FURTHER ORDERED that PDM shall cause the above notice to be published at least
once in newspapers in all counties that it desires to serve, with the publication to be completed no
later than February 9, 2001.

IT IS FURTHER ORDERED that PDM shall file an Affidavit of Publication as soon as
practicable after the publication has been completed, but not later than March 2, 2001.

1 IT IS FURTHER ORDERED that notice shall be deemed complete upon publishing of same,
2 notwithstanding the failure of an individual customer to read or receive the notice.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
4 Communications) applies to this proceeding as the matter is now set for public hearing.

5 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
6 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

7 DATED this 11th day of January, 2001.

8
9 *Alicia Grantham*
10 ALICIA GRANTHAM
11 ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 11th day of January, 2001 to:

14 Michael W. Patten
15 BROWN & BAIN, P.A.
16 Post Office Box 400
17 Phoenix, Arizona 85001
18 Attorney for Applicant
19 Scott Wakefield, Chief Counsel
20 Residential Utility Consumer Office
21 2828 North Central, Suite 1200
22 Phoenix, Arizona 85004
23 Michael Grant
24 GALLAGHER & KENNEDY
25 2575 East Camelback Road
26 Phoenix, Arizona 85016
27 Attorney for AEPCO, Graham County Electric
28 Cooperative; and Duncan Valley Electric
Cooperative
Jana Van Ness
ARIZONA PUBLIC SERVICE COMPANY
Post Office Box 53999, Mail Station 9905
Phoenix, Arizona 85072
Steven M. Wheeler
Thomas L. Mumaw
SNELL & WILMER, L.L.P.
One Arizona Center
Phoenix, Arizona 85004-0001
Attorneys for Arizona Public Service

Company

Carl Dabelstein
CITIZENS COMMUNICATIONS
2901 North Central Avenue, Suite 1660
Phoenix, Arizona 85012-2736

Russell E. Jones
WATERFALL ECONOMIDIS CALDWELL
HANSHAW & VILLMANA, P.C.
5210 East Williams Circle, Suite 800
Tucson, Arizona 85711
Attorneys for Trico Electric Cooperative, Inc.

Paul Michaud
MARTINEZ & CURTIS, P.C.
2712 North 7th Street
Phoenix, Arizona 85006-1090
Attorneys for Mohave Electric Cooperative
and
Navopache Electric Cooperative

Christopher Hitchcock
HITCHCOCK, HICKS & CONLOGUE
P.O. Box 87
Bisbee, Arizona 85603-0087
Attorneys for Sulphur Springs Valley
Electric Cooperative, Inc.

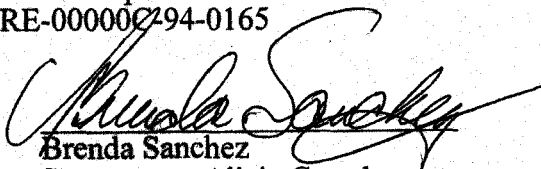
C. Webb Crockett
Jay L. Shapiro

1 FENNEMORE CRAIG, P.C.
3003 North Central Avenue Suite 2600
2 Phoenix, Arizona 85012-2913

3 Raymond S. Heyman
Randall H. Warner
4 ROSHKA HEYMAN & DEWULF
Two Arizona Center
5 400 North 5th Street Suite 1000
Phoenix, Arizona 85004-3902
6
7 Jessica Youle
PAB300
SALT RIVER PROJECT
8 Post Office Box 52025
Phoenix, Arizona 85072
9
10 Lyn Farmer, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
Phoenix, Arizona 85007
12
13 Deborah Scott, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
14 1200 West Washington
Phoenix, Arizona 85007
15
16 ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104
17

Copies also mailed to:

18 Electric Competition Service List - Docket
No. RE-000000294-0165
19

20 By: 
Brenda Sanchez
21 Secretary to Alicia Grantham
22
23
24
25
26
27
28